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Atty. Dkt. No. 018733-0996

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shui-on LEUNG et al.
Title: IMMUNOCONJUGATES AND HUMANIZED ANTIBODIES SPECIFIC FOR B-CELL LYMPHOMA AND LEUKEMIA CELLS
Appl. No.: 09/741,843
Filing Date: 12/22/2000
Examiner: Ronald B. Schwadron
Art Unit: 1644

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, D.C. 20231

Sir:

In response to the restriction requirement set forth in the Office Action mailed March 10, 2003, Applicant hereby provisionally elects Group I, Claims 44-91, for examination, with traverse.

The Examiner has required restriction between Claims 44-91 (Group I), drawn to nucleic acids and host cells or vectors containing said nucleic acids, and Claims 92-94 (Group II), drawn to a method of making an antibody or antibody fragment. Restriction was required because the Examiner believes that the product, an isolated polynucleotide encoding an LL2 antibody, can be used in hybridization assays to detect the pertinent nucleic acids. Applicants respectfully disagree and submit that the subject matter of the claims of Groups I and II are sufficiently related to be examined together, and such examination would not place an undue burden on the Examiner. MPEP 803 recites that if "the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Further, applicants point out that rejoinder of process of using the product claims commensurate in scope with the product claims found allowable is permitted

under the *Ochiai* guidelines. Applicants request rejoinder of claims 92-94 upon allowance of the product claims.

Applicants, of course, reserve the right to file one or more divisional applications covering the subject matter of the non-elected claims.

Receipt of the initial Office Action on the merits is awaited.

It is believed that no fee is due, but should a fee be due, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17 to Deposit Account No. 19-0741.

Respectfully submitted,

Date April 10, 2003

By Jayme A. Huleatt

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